

Patent
45198.00013.RCEIN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED
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DEC 16 2003

Applicants: Erion et al.

Group Art Unit: 1624

Serial No.: 09/518,501

Examiner: McKenzie, T.

Filed: March 3, 2000

Title: NOVEL PHOSPHORUS-CONTAINING
PRODRUGS

OFFICIAL

Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

**PETITION FOR EXTENSION OF TIME
 &
 RESPONSE**

Dear Sir:

The Applicants wish to thank Examiners McKenzie and Shah for their courtesy in the interview conducted on September 10, 2003. The amendment and remarks address the issues raised by the Examiner in an Office Action dated June 16, 2003.

Applicants hereby petition for a three-month extension of time under 37 CFR § 1.136(a). With the granting of said extension, it is believed that this response is timely filed. The Commissioner is hereby authorized to charge \$475.00 to Deposit Account No. 50-2613 for the three-month extension fee due herein and any other fees that may become due or credit become payable during the pendency of this application.

**CERTIFICATE OF TRANSMISSION
 (37 C.F.R. §1.8)**

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PAGE 9/54 * RCVD AT 12/16/2003 8:36:58 PM [Eastern Standard Time]* SVR:USPTO-EXRF-1/0 * DNI:8729306 * CSID:1 858 720 2555 * DURATION (mm:ss):17:26

Patent
45198.00013.RCE

There is no requirement that process claims contain steps. The Applicants believe that the claim is a proper process claim and that the 35 USC § 101 rejection is improper. 35 USC § 101 clearly allows the patenting of processes, machines, manufactures, and compositions of matter. Claim 150 is clearly a process claim. In fact, Dr. Chabala clearly understands that transforming is a step. [Chabala Decl. ¶ 15]. Therefore, the Applicants respectfully request withdrawal of the rejection that claim 150 is an improper process claim under 35 USC § 101.

IX. CONCLUSION

In conclusion, Applicants respectfully submit that all pending claims are in condition for allowance. The Examiner is invited to contact Applicants' undersigned Representative if it is believed that prosecution may be furthered thereby.

Respectfully Submitted,

Date: 12/16/03

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